

SENATE BILL 2698
By Kyle

AN ACT to amend Tennessee Code Annotated, Title 62, relative to the application of permanent cosmetics.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-38-201(13), is amended by deleting the word "cosmetics."

SECTION 2. Tennessee Code Annotated, Title 62, is amended by adding Sections 3 through 5 of this act as a new, appropriately designated chapter thereto.

SECTION 3. As used in this chapter, unless the context otherwise requires:

(1) "Client" means any person desiring to receive permanent cosmetics;

(2) "Permanent cosmetics" means the application of pigments to or under the skin of a human being for the purpose of permanently changing the color or other appearance of the skin. Permanent cosmetics includes the application of eyeliner, eyebrows, eyeshadow, lip liner, lip color, cheek color, and other techniques traditionally considered to be cosmetic rather than artistic or that includes specific designs, letters, figures or symbols;

(3) "Permanent cosmetic operator" means any person who controls, operates, conducts or manages any tattoo studio, whether or not actually engaging in the application of permanent cosmetics;

(4) "Permanent cosmetic technician registration" means the issuance of a state license authorizing the person named therein to engage in the practice of applying permanent cosmetics in the state of Tennessee after fulfilling the requirements of this chapter;

(5) "Permanent cosmetic salon" means any room or space where permanent cosmetics are applied or where the service of applying permanent cosmetics is conducted;

(6) "Permanent cosmetic salon certificate" means the issuance of a written license, issued by the local county health department, to a permanent cosmetic salon that states that such salon, after inspection, was found to be in compliance with this chapter; and

(7) "Permanent cosmetic technician" means any person, regardless of age, who engages in the practice of applying permanent cosmetics for consideration.

SECTION 4. Permanent cosmetic operators, technicians and salons shall meet the requirements in § 62-38-202, § 62-38-203, § 62-38-206, 62-38-207, 62-38-208, 62-38-209, and 62-38-210 as they apply to tattoo studio operators, tattoo artists, and tattoo studios respectively. All definitions used in those sections other than for the specific terms defined above shall have the meanings ascribed to them in § 62-38-201. Any reference to "tattoo" or "tattooing" shall be deemed a reference to "permanent cosmetics" for purposes of this chapter. Any reference to "tattoo artist" shall be deemed to be a reference to "permanent cosmetic technician" for purposes of this chapter. Any reference to "tattoo artist registration" shall be deemed to be a reference to "permanent cosmetic technician registration" for purposes of this chapter. Any reference to "tattoo operator" shall be deemed to be a reference to "permanent cosmetic operator" for purposes of this chapter. Any reference to "tattoo studio" shall be deemed to be a reference to "permanent cosmetic salon" for purposes of this chapter. Any reference to "tattoo studio certificate" shall be deemed to be a reference to "permanent cosmetic salon certificate."

SECTION 5.

(a) No person shall engage in the practice of application of permanent cosmetics for consideration or act as a permanent cosmetic technician unless such person has registered as a cosmetic technician with the department of health. A statewide permanent cosmetic technician license shall be issued and is transferrable, within the state of Tennessee, to any salon holding a certificate issued by a local health department. The department of health may, at its option, direct the local health

department to act on its behalf in the application, examination, collection of funds, etc., concerning permanent cosmetic technician registration.

(b) No holder of a salon certificate issued under this chapter shall allow a permanent cosmetic technician to engage in the application of permanent cosmetics unless the permanent cosmetic technician currently has a permanent cosmetic technician registration or has an apprentice technician license.

(c) Any person desiring to engage in the practice of the application of permanent cosmetics shall submit an application to the department of health or its designee. There shall be two (2) types of permanent cosmetic technician licenses: permanent cosmetic technician, and apprentice permanent cosmetic technician. All permanent cosmetic technician and apprentice registrations shall expire on December 31 of each year. A fee of fifty dollars (\$50.00) shall be submitted to the department of health for each individual technician license.

(d) All application of permanent cosmetics shall be under the auspices of a permanent cosmetic salon holding a current salon certificate issued by the local health department.

(e) Each permanent cosmetic operator or technician shall, before receiving a permit to operate a permanent cosmetic salon or to apply permanent cosmetics, undergo a training program to include:

(1) The minimum requirements of the Society of Permanent Cosmetic Professionals fundamental program guidelines;

(2) At least forty (40) hours of instruction from a trainer certified by the Society of Permanent Cosmetic Professionals; and

(3) A course approved by the local health department in methods and techniques for the proper sterilization of instruments and materials used in the application of permanent cosmetics or an approved and satisfactorily completed course of instruction in sterilization techniques and methods from an institution of higher learning.

(f) The permanent cosmetic technician must take and pass an examination concerning the provisions of this chapter before a permanent cosmetic technician permit shall be issued. Such examination shall be a written examination prescribed by the local health department. After passing such examination and complying with the other provisions of this chapter, a license shall be issued.

(g) In order to receive a technician permit, an applicant must be trained in the profession of the application of permanent cosmetics for such time as it takes for the applicant to successfully complete one hundred (100) procedures, as determined by the applicant's certified trainer, who must also be a Tennessee licensed permanent cosmetic technician.

(h) An apprentice permanent cosmetic technician license must be issued if an applicant is unable to comply with any of the provisions of this chapter. An applicant shall remain an apprentice technician until all the requirements of this section have been met.

(i) A permanent cosmetic operator shall, unless registered as a permanent cosmetic technician, register with the department of health and shall comply with all provisions of this chapter. The fee for such registration is fifty dollars (\$50.00), payable to the department.

(j) Any license may be renewed by submitting a fee of fifty dollars (\$50.00) before the expiration of such license.

(k) A penalty of twenty-five dollars (\$25.00) shall be imposed upon each late renewal of licensure. No late renewal of licensure shall be accepted more than one (1) year after the expiration of such licensure. An applicant whose license has expired for more than one (1) year must re-apply for licensure and fulfill all the requirements of this section.

SECTION 6. This act shall take effect July 1, 2004, the public welfare requiring it